

# HOUSE BILL No. 1048

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-18-2-80; IC 16-35-6; IC 20-8.1-7-9.5; IC 20-8.1-7-11; IC 34-30-2-70.8.

**Synopsis:** Immunizations and data registry. Requires the state department of health to develop and maintain an immunization data registry using funds received from the federal Centers for Disease Control and Prevention. Allows the state department to delegate the authority for the registry to a for-profit or nonprofit agency. Requires certain health care providers to provide immunization information to the registry. Specifies individuals and entities to whom information in the registry may be released. Specifies that the parent or guardian of a child may elect not to have the child's immunization records released from the registry. Provides that unauthorized disclosure of confidential immunization data registry information is a Class A misdemeanor and, for a public employee, cause for dismissal. Adds chicken pox to the list of required immunizations for a child residing in Indiana. (The introduced version of this bill was prepared by the health finance commission.)

**Effective:** Upon passage; July 1, 2002.

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**Budak, Crosby, Becker, Brown C**

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January 8, 2002, read first time and referred to Committee on Ways and Means.

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Introduced

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

## HOUSE BILL No. 1048

A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 16-18-2-80, AS AMENDED BY P.L.266-2001,  
2       SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       UPON PASSAGE]: Sec. 80. "Corporation", for purposes of IC 16-22-8,  
4       **IC 16-35-6**, IC 16-42-5, and IC 16-42-5.2, means the health and  
5       hospital corporation created under IC 16-22-8.

6       SECTION 2. IC 16-35-6 IS ADDED TO THE INDIANA CODE AS  
7       A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE UPON  
8       PASSAGE]:

### **Chapter 6. Immunization Data Registry**

9       **Sec. 1. (a) Not later than July 1, 2002, the state department shall**  
10       **develop and maintain an immunization data registry to collect,**  
11       **store, analyze, release, and report immunization data.**

12       **(b) The state department may delegate the authority for the**  
13       **development and maintenance of the immunization data registry**  
14       **required under subsection (a) to a for-profit or nonprofit agency**  
15       **that, working in conjunction with the state department,**  
16       **demonstrates the ability to generate funds sufficient to develop and**  
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maintain the registry.

(c) The state department shall use funds received from the federal Centers for Disease Control and Prevention to develop and maintain the registry required under this chapter.

**Sec. 2. (a) A health care professional who:**

- (1) is licensed under IC 25 to provide immunizations; and
- (2) provides an immunization to an individual who is less than eighteen (18) years of age;

shall provide the individual's immunization data to the immunization data registry in a manner prescribed by the state department.

(b) A health care professional who provides information to the immunization data registry in good faith is not subject to civil or criminal liability for the submission of the information.

**Sec. 3.** Except as provided in sections 4 through 6 of this chapter, records maintained as part of the immunization data registry are confidential.

**Sec. 4.** The state department shall, upon request, release information contained in the immunization data registry regarding an individual to:

- (1) the individual; or
- (2) if the individual is less than eighteen (18) years of age, the individual's parent or guardian.

**Sec. 5. (a)** Subject to subsection (b), the state department may release information contained in the immunization data registry regarding an individual to:

- (1) an immunization data registry of another state;
- (2) a health care professional;
- (3) a local health department;
- (4) a corporation;
- (5) a nonprofit agency; or
- (6) a school attended by the individual.

(b) The state department may not release information contained in the immunization data registry regarding an individual to a person described in subsection (a):

- (1) unless the person agrees in writing that information identifying the individual will not be released to any other person without the written consent of:
  - (A) the individual; or
  - (B) if the individual is less than eighteen (18) years of age, the individual's parent or guardian; or
- (2) if either:

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(A) the individual; or

(B) if the individual is less than eighteen (18) years of age, the individual's parent or guardian;

has completed and filed with the state department a written exemption form prescribed by the state department.

(c) The state department shall provide copies of a written exemption form described in subsection (b)(2) to:

(1) all health providers licensed under IC 25 to provide immunizations; and

(2) any individual requesting a form.

Sec. 6. The state department may release nonidentifying summary statistics regarding information in the immunization data registry.

Sec. 7. (a) A person who knowingly, intentionally, or recklessly discloses confidential information contained in the immunization data registry in violation of this chapter commits a Class A misdemeanor.

(b) In addition to the penalty under subsection (a), a public employee who knowingly, intentionally, or recklessly discloses confidential information contained in the immunization data registry in violation of this chapter is subject to discharge from employment.

Sec. 8. The state department shall adopt rules under IC 4-22-2 to implement this chapter.

SECTION 3. IC 20-8.1-7-9.5, AS AMENDED BY P.L.231-1999, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 9.5. (a) Every child residing in Indiana shall be immunized against:

(1) diphtheria;

(2) pertussis (whooping cough);

(3) tetanus;

(4) measles;

(5) rubella;

(6) poliomyelitis; and

(7) mumps; and

(8) chicken pox.

(b) Every child residing in Indiana who enters kindergarten or grade 1 shall be immunized against hepatitis B.

(c) The state department of health may expand or otherwise modify the list of communicable diseases that require documentation of immunity as medical information becomes available that would warrant the expansion or modification in the interest of public health.

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(d) The state department of health shall adopt rules under IC 4-22-2 specifying the:

- (1) required immunizations;
- (2) child's age for administering each vaccine;
- (3) adequately immunizing doses; and
- (4) method of documentation of proof of immunity.

(e) Each school shall notify each parent of a child who enrolls in the school of the requirement that the child must be immunized and that the immunization is required for the child's continued enrollment, attendance, or residence at the school unless:

- (1) the parent or child provides the appropriate documentation of immunity; or
- (2) section 2 or 2.5 of this chapter applies.

SECTION 4. IC 20-8.1-7-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 11. (a) Not later than sixty (60) days after the enrollment of children for the first time and when additional immunizations are required by statute or rule, each school shall file a written report with the state department of health and the local health department having jurisdiction. The report shall include the following:

(1) A statement of the number of children who have demonstrated immunity against diphtheria, pertussis (whooping cough), tetanus, measles, rubella, poliomyelitis, mumps, **and** hepatitis B, **and chicken pox.**

(2) A statement of the number of children who have not demonstrated immunity against the illnesses listed in subdivision (1).

(3) A statement of the number of children who have been found positive for sickle cell anemia and lead poisoning.

(b) The state department of health and the local health department shall, for good cause shown that there exists a substantial threat to the health and safety of a student or the school community, be able to validate immunization reports by onsite reviews or examinations of nonidentifying immunization record data. This section does not independently authorize the state department of health, a local department of health, or an agent of the state or local department of health to have access to identifying medical or academic record data of individual students attending nonaccredited nonpublic schools.

(c) A report shall also be filed for each child who enrolls subsequent to the filing of the report for children who enrolled at the beginning of the school year. The state department of health shall have exclusive power to adopt rules for the administration of this section.

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1       SECTION 5. IC 34-30-2-70.8 IS ADDED TO THE INDIANA  
2 CODE AS A NEW SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE UPON PASSAGE]: **Sec. 70.8. IC 16-35-6-2**  
4 **(Concerning a health care professional who submits information**  
5 **to the immunization data registry).**

6       SECTION 6. [EFFECTIVE UPON PASSAGE] (a) **Not later than**  
7 **July 1, 2002, the state department of health established by**  
8 **IC 16-19-1-1 shall:**

9       (1) **establish guidelines that health care professionals may use**  
10 **to submit immunization data to the immunization data**  
11 **registry developed under IC 16-35-6, as added by this act; and**  
12 **(2) develop a form by which an individual or an individual's**  
13 **parent or guardian may prevent information regarding the**  
14 **individual from being released from the immunization data**  
15 **registry developed under IC 16-35-6, as added by this act.**

16       (b) **Guidelines adopted under this SECTION must allow a**  
17 **health care professional to submit immunization data by telephone,**  
18 **facsimile, mail, computer, or any other method prescribed by the**  
19 **state department of health.**

20       (c) **This SECTION expires July 1, 2003.**

21       SECTION 7. [EFFECTIVE UPON PASSAGE] **Notwithstanding**  
22 **IC 16-35-6, as added by this act, a health care professional who is**  
23 **licensed to provide immunizations is not required to provide the**  
24 **information described in IC 16-35-6, as added by this act, to the**  
25 **immunization data registry established under IC 16-35-6, as added**  
26 **by this act, until the state department of health adopts guidelines**  
27 **for the submission of the immunization information.**

28       SECTION 8. **An emergency is declared for this act.**

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